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Paper No. 9

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In re Application of
Hans Wormsbaecher
Application No. 09/901,400
Filed: July 9, 2001
Attorney Docket No. G-00262C1

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OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 23, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 23, 2001, which set a shortened statutory period for reply of three (3) months. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period and no proper response filed. Accordingly, the application became abandoned on January 24, 2002. A Notice of Abandonment was mailed on August 12, 2002.

A review of the application file and Office computer records revealed that petitioner obtained an extension of time within the fourth month on June 4, 2002--outside the maximum allowable period set for reply which expired on April 24, 2002. Deposit account 07-1360 will be credited \$1,440.00 because the extension of time was not available to petitioner when it was requested.

The application is being forwarded to Technology Center 3600 for review of the amendment filed on June 4, 2002.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0010.

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for Patent Examination Policy